

**OFFICIAL FILING
BEFORE THE
PUBLIC SERVICE COMMISSION OF WISCONSIN**

Application of Highland Wind Farm, LLC for a
Certificate of Public Convenience and Necessity
To Construct a 102.5 MW Electric Generation
Facility and Associated Electric Facilities, to be
Located in the Towns of Forest and Cylon,
St. Croix County, Wisconsin

Docket No. 2535-CE-100

**HIGHLAND WIND FARM, LLC'S COMMENT IN RESPONSE TO THE
COMMISSION'S ORDER TO REOPEN AND REQUEST FOR COMMENTS**

On September 10, 2014, Highland Wind Farm, LLC ("Highland") requested a two-year extension of the construction commencement deadline set forth in Order Point 29 of the Commission's Final Decision on Reopening ("Final Decision") in this matter. On October 3, 2014, the Commission reopened its Final Decision for the limited purposes of considering changes to Order Point 29. PSC REF #: 220509. For the reasons set forth in its extension request and subsequent Reply Brief (PSC REF #s: 215747 and 218291), which are incorporated herein by reference, Highland supports the amendment of Order Point 29.

Wisconsin Statutes § 196.491(3c)(a) provides electric utilities the relief Highland initially requested. However, Highland is not an electric utility and Wis. Stat. § 196.491(3c) does not automatically apply. As the Commission noted in its order, it has broad authority under Wis. Stat. § 196.39 to reopen any case for any reason, including reopening this case to address Highland's extension request. Highland appreciates the Commission's willingness to recognize and account for delays occasioned by third-party actions over which Highland has no control, and suggests the following slight modifications to the proposed change, to account for potential

local (town and county) permitting delays and potential third-party challenges to local, state, or federal approvals (Highland's suggested language is underlined):

Order Point 29 is hereby amended to read:

Highland shall commence construction no later than one year after the latest of the following dates:

- a. The date this Amended Final Decision on Reopening is served.
- b. The date on which Highland has been issued every local, federal and state permit, approval, and license that is required prior to commencement of construction.
- c. The date on which every deadline has expired for requesting administrative review or reconsideration of every local, federal and state permit, approval, and license that is required prior to commencement of construction. In the event administrative review or reconsideration is sought, the date on which a final, unappealable decision has been rendered.
- d. The date on which Highland has received the Final Decision on Reopening and Amended Final Decision on Reopening, after exhausting of judicial review, in every proceeding for judicial review described in Wis. Stat. § 196.491(3)(j).

Respectfully submitted this 13th day of October, 2014.

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